

REMARKS/ARGUMENTS

Claims 1, 3-6, 8-9, 11-14, 16-17, 19-22, and 24 are pending in the application. Claims 1, 8, 9, 16, 17, and 24 have been amended. Claims 2, 7, 10, 15, 18, and 23 have been cancelled without prejudice. Reconsideration is respectfully requested. Applicants submit that the pending claims 1-24 are patentable over the art of record and allowance is respectfully requested of claims 1-24.

Applicants would like to thank Examiner Sun for holding a telephone interview with their representative, Janaki K. Davda, on Friday, April 7, 2006. Proposed claim amendments to claim 1 and the cited prior art were discussed. Examiner Sun agreed to reconsider. No other agreement was reached.

Claims 2, 10, and 18 are rejected under 35 U.S.C. 112, second paragraph. Applicants have cancelled claims 2, 10, and 18.

Claims 1, 5-9, 13-17, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzeng et al. (US 2003/0210651) in view of Aiken et al. (US 2002/0053011). Applicants respectfully traverse.

Also, Applicants note that paragraph 7 of the Office Action cites a 102(e) rejection, but paragraph 6 refers to 103(a). In light of this and because multiple references are cited, Applicants will treat the rejection as a 103(a) rejection. Also, Applicants will treat this rejection as applying to claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17, 19-20, 22, and 24 as paragraphs 16-17 of the Office Action appear to be directed to claims 5, 13, and 21 and the remaining claims have been cancelled.

Claim 1 describes throttling data transfer. An amount of resources that are in use is determined. When the amount of resources reaches a high threshold, one or more primary control units are notified to temporarily stop sending data by sending a message, wherein the one or more primary control units that are notified to temporarily stop sending data are selected based on which ones are using a largest amount of resources and that have already received a message to temporarily stop sending data with a subsequent message to resume sending data or

have not already received a message to temporarily stop sending data (e.g., Specification, page 14, paragraph 46). When the amount of resources reaches a low threshold, each previously notified primary control unit is notified to resume sending data by sending a message.

The Examiner submits that the Tzeng patent does not disclose explicitly that primary control units are selected based on which ones are using a largest amount of resources, however, the Aiken patent application is cited as teaching this. Applicants respectfully traverse.

The Aiken patent application describes that a requestor that is requesting a resource (paragraph 34) can no longer be granted resources *when only the safety buffer remains* (paragraph 41). That is, the Aiken patent application denies resources when the free resources are equal to the size of the safety buffer (paragraph 41). While its requests are being denied, the first requestor of the Aiken patent application is still operating upon the resources given to it (paragraph 43). Eventually, the second requestor of the Aiken patent application will also consume more than its fair share, and, in the situation where both the first and second requestors are consuming more than their fair share, either one can be granted a resource as long as the free resources are larger than the amount of the safety buffer (paragraph 44). Neither the first requestor nor the second requestor will be granted their requests if they exceed their fair share of resources and the amount of free resources is not greater than the safety buffer (paragraph 44). Thus, the Aiken patent application does not teach or suggest selection of requestors based on which ones are using a largest amount of resources. Denying a resource request if the requestors exceed their fair share of resources and the amount of free resources is not greater than the safety buffer does not teach or suggest that the one or more primary control units that are notified to temporarily stop sending data are selected based on which ones are using a largest amount of resources and that have already received a message to temporarily stop sending data with a subsequent message to resume sending data or have not already received a message to temporarily stop sending data.

Thus, Applicants respectfully submit that, even if combined, the Tzeng and Aiken patent applications do not teach or suggest that the one or more primary control units that are notified to temporarily stop sending data are selected based on which ones are using a largest amount of resources and that have already received a message to temporarily stop sending data with a subsequent message to resume sending data or have not already received a message to temporarily stop sending data.

Therefore claim 1 is not taught or suggested by the Tzeng and Aiken patent applications, either alone or together. Claims 9 and 17 are not taught or suggested by the Tzeng and Aiken patent applications, either alone or together, for at least the same reasons as were discussed with respect to claim 1.

Dependent claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17, 19-20, 22, and 24 incorporate the language of independent claims 1, 9, and 17 and add additional novel elements. Therefore, dependent claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17, 19-20, 22, and 24 are not taught or suggested by the Tzeng and Aiken patent applications, either alone or together, for at least the same reasons as were discussed with respect to claims 1, 9, and 17.

Claims 5, 13, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzeng in view of Aiken and further in view of Reinemann (U.S. 2003/0115118). Applicants respectfully traverse.

Also, Applicants note that paragraph 16 of the Office Action cites a 102(e) rejection, but paragraph 6 refers to 103(a). In light of this and because multiple references are cited, Applicants will treat the rejection as a 103(a) rejection.

As discussed above, neither the Tzeng patent application nor the Aiken patent application, either alone or in combination, teaches or suggests the subject matter of claim 1.

The Reinemann patent application does not cure the defects of the Tzeng and Aiken patent applications. For example, the Reinemann patent application does not teach or suggest selecting one or more primary control units that are notified to temporarily stop sending data based on which ones are using a largest amount of resources and that have already received a message to temporarily stop sending data with a subsequent message to resume sending data or have not already received a message to temporarily stop sending data.

Applicants respectfully submit that, even if combined, the Tzeng patent application, the Aiken patent application, and the Reinemann patent application do not teach or suggest the subject matter of claims 1, 9, and 17. Therefore, claims 1, 9, and 17 are not taught or suggested by the Reinemann patent application, the Tzeng patent application or the Wong patent application, either alone or together.

Dependent claims 5, 13, and 21 incorporate the language of independent claims 1, 9, and 17 and add additional novel elements. Therefore, dependent claims 5, 13, and 21 are not taught or suggested by the Tzeng patent application, the Aiken patent application or the Reinemann patent application, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 9, and 17.

Conclusion

For all the above reasons, Applicants submit that the pending claims 1, 3-6, 8-9, 11-14, 16-17, 19-22, and 24 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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